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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,769	07/17/2003	Peter Graham Foster	P07693US01/RFH	9158

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EXAMINER

NGUYEN, TANH Q

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,769	Applicant(s) FOSTER ET AL.	
	Examiner Tanh Q. Nguyen	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/17/06 (amendment) and 05/01/06 (IDS).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/01/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 32-41 are objected to because of the following informalities:

Claim 32 recites in lines 1-2, "the local clocks of each a plurality of USB devices".

It appears that there is only one local clock for each USB device. The recitation, however, does not preclude each of the USB devices from having multiple local clocks. Furthermore, there is insufficient antecedent basis for "the local clocks".

Claim 32 recites in line 4, "the local clock". There is insufficient antecedent basis for such limitation.

Claim 32 recites in lines 5-6, "the USB data traffic". There is insufficient antecedent basis for such limitation.

Claim 32 recites in line 7 and in line 9, "said USB device". There is insufficient antecedent basis for such limitation.

Claim 32 recites "each of USB devices" in line 38. It appears that applicant intended to recite "each of said USB devices"

Claim 34 recites "the local clocks" in line 4. There is insufficient antecedent basis for such limitation.

Claim 34 recites in line 7, "the USB data traffic". There is insufficient antecedent basis for such limitation.

Claim 34 recites in lines 17-18, "said plurality of said USB" should be replaced with "said plurality of USB devices".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 32-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 recites “the USB data traffic” in line 21. It is not clear whether the limitation refers to “the USB data traffic” of lines 5-6, or “the traffic to and from each of said USB devices” in lines 18-19.

Claim 32 recites “said USB traffic” in line 24. It is not clear whether there is a difference between “said USB traffic” and “the USB data traffic”.

Claim 32 recites “said USB device” in lines 25-26. It is not clear what USB device is being referred to.

Claim 32 recites “said master USB host” in line 33. There is insufficient antecedent basis for such limitation.

Claim 32 recites “said time intervals” in line 34. There is insufficient antecedent basis for such limitation.

Claim 32 recites “said propagation time between said reference USB device and each of USB devices” in lines 37-38. There is insufficient antecedent basis for such limitation - as the propagation time for the reference USB device has not been previously recited. It is also not clear whether “the reference USB device” is the same as “the master USB device”.

Claim 34 recites “to prepare said USB devices to execute said trigger request at a common time” in line 12. It is not clear how a plurality of USB devices can execute the (same) trigger request at a common time.

Claim 34 recites “decoding said trigger command with said USB devices” in line 19. It is not clear how the (same) trigger command is decoded with a plurality of USB devices.

Claim 34 recites “configuring said USB devices to execute said processes” in line 20. It is not clear whether each USB device executes multiple processes, or the USB devices together execute the processes.

Claim 41 recites “defined within the USB specification”. The claim contains trademark/trade name USB specification. Where the trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, the trademark or trade name does not identify or describe the goods associated with the trademark or trade name. The trademark or trade name or the so-called specification are subject to modifications by their owners and do not have fixed meaning, therefore the metes and bounds of the claims are indefinite.

4. The examiner notes that applicant appeared to recite features associated only with an individual USB device in the context of a plurality of USB devices, and vice

versa. Applicant needs to properly associate the features to clearly define the invention (i.e. features for an individual USB device should only be associated with the individual USB device, and features for multiple USB devices should only be associated with multiple USB devices).

Allowable Subject Matter

5. Claims 32-41 would be allowable if rewritten to overcome the objections, and the rejections under 35 USC 112, second paragraph.

Conclusion


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



July 18, 2006